



(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To establish the Special Inspector General for Law Enforcement, and for
other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CONNOLLY introduced the following bill; which was referred to the
Committee on _____

A BILL

To establish the Special Inspector General for Law
Enforcement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Special Inspector Gen-
5 eral for Law Enforcement Act".

1 **SEC. 2. SPECIAL INSPECTOR GENERAL FOR LAW ENFORCE-**
2 **MENT.**

3 (a) OFFICE OF INSPECTOR GENERAL.—There is
4 hereby established the Office of the Special Inspector Gen-
5 eral for Law Enforcement.

6 (b) APPOINTMENT AND REMOVAL.—

7 (1) IN GENERAL.—The head of the Office of
8 the Special Inspector General for Law Enforcement
9 is the Special Inspector General for Law Enforce-
10 ment, who shall be appointed by the President, by
11 and with the advice and consent of the Senate.

12 (2) APPOINTMENT.—The appointment of the
13 Special Inspector General shall be made on the basis
14 of integrity and demonstrated ability in accounting,
15 auditing, financial analysis, law, management anal-
16 ysis, public administration, or investigations.

17 (3) NOMINATION.—The nomination of an indi-
18 vidual as Special Inspector General shall be made
19 within 60 days after the date of the enactment of
20 this section.

21 (4) REMOVAL.—

22 (A) IN GENERAL.—The President may re-
23 move the Special Inspector General only for any
24 of the following grounds for removal:

25 (i) Documented permanent incapacity.

26 (ii) Documented neglect of duty.

1 (iii) Documented malfeasance.

2 (iv) Documented conviction of a felony
3 or conduct involving moral turpitude.

4 (v) Documented knowing violation of
5 a law or regulation.

6 (vi) Documented gross mismanage-
7 ment.

8 (vii) Documented gross waste of
9 funds.

10 (viii) Documented abuse of authority.

11 (ix) Documented inefficiency.

12 (B) COMMITTEE NOTIFICATION OF RE-
13 MOVAL.—Not later than 30 days before the
14 date on which the President removes a Special
15 Inspector General under subparagraph (A), the
16 President shall notify the appropriate commit-
17 tees of any grounds for removal listed in such
18 subparagraph.

19 (5) APPLICABILITY OF CERTAIN PROVISION.—
20 For purposes of section 7324 of title 5, United
21 States Code, the Special Inspector General shall not
22 be considered an employee who determines policies
23 to be pursued by the United States in the nation-
24 wide administration of Federal law.

1 (6) PAY RATE.—The annual rate of basic pay
2 of the Special Inspector General shall be the annual
3 rate of basic pay for an Inspector General under sec-
4 tion 3(e) of the Inspector General Act of 1978 (5
5 U.S.C. App.).

6 (c) DUTIES.—The Special Inspector General shall
7 have the following duties:

8 (1) Conduct, supervise, and coordinate audits
9 and investigations of reported racial profiling, officer
10 misconduct, use of force, use of deadly force, or pat-
11 tern or practice of unconstitutional misconduct in-
12 volving Federal law enforcement agencies or Federal
13 law enforcement officers.

14 (2) Conduct, supervise, and coordinate audits
15 and investigations of the use of deadly force cases
16 referred to the Special Inspector General by State
17 and local law enforcement agencies.

18 (3) Establish, maintain, and oversee such sys-
19 tems, procedures, and controls as the Special Inspec-
20 tor General considers appropriate to discharge the
21 duties described under paragraphs (1) and (2).

22 (4) The duties and responsibilities of inspectors
23 general under the Inspector General Act of 1978 (5
24 U.S.C. App.) as it relates to the duties described in
25 paragraph (1) and (2).

1 (5) Conduct, supervise, and coordinate an audit
2 or investigation of any action taken under this sec-
3 tion as the Special Inspector General determines ap-
4 propriate under paragraphs (1) and (2).

5 (d) POWERS AND AUTHORITIES.—

6 (1) IN GENERAL.—In carrying out the duties
7 specified in subsection (c), the Special Inspector
8 General shall have the authorities provided in section
9 6 of the Inspector General Act of 1978.

10 (2) REQUIREMENT TO COMPLY WITH INSPEC-
11 TOR GENERAL ACT OF 1978.—The Special Inspector
12 General shall carry out the duties specified in sub-
13 section (c) in accordance with subsections (b)
14 through (e) of section 4 of the Inspector General Act
15 of 1978.

16 (3) EXEMPTION FROM INITIAL DETERMINATION
17 OF ELIGIBILITY.—The Special Inspector General
18 shall be treated as an office included under section
19 6(f)(3) of the Inspector General Act of 1978 (5
20 U.S.C. App.) relating to the exemption from the ini-
21 tial determination of eligibility by the Attorney Gen-
22 eral.

23 (4) DISCIPLINARY RECOMMENDATIONS.—The
24 Special Inspector General shall have the authority to
25 make disciplinary recommendations.

1 (e) PERSONNEL, FACILITIES, AND OTHER RE-
2 SOURCES.—

3 (1) SELECTION AND APPOINTMENT OF OFFI-
4 CERS AND EMPLOYEES.—

5 (A) IN GENERAL.—The Special Inspector
6 General may select, appoint, and employ such
7 officers and employees as may be necessary for
8 carrying out the duties of the Special Inspector
9 General, subject to the provisions of title 5,
10 United States Code, governing appointments in
11 the competitive service, and the provisions of
12 chapter 51 and subchapter III of chapter 53 of
13 such title, relating to classification and General
14 Schedule pay rates.

15 (B) EXERCISE OF CERTAIN AUTHORI-
16 TIES.—The Special Inspector General may ex-
17 ercise the authorities of subsections (b) through
18 (i) of section 3161 of title 5, United States
19 Code (without regard to subsection (a) of that
20 section).

21 (2) SERVICES.—The Special Inspector General
22 may obtain services as authorized by section 3109 of
23 title 5, United States Code, at daily rates not to ex-
24 ceed the equivalent rate prescribed for grade GS-15

1 of the General Schedule by section 5332 of such
2 title.

3 (3) CONTRACTING AUTHORITY.—The Special
4 Inspector General may enter into contracts and
5 other arrangements for audits, studies, analyses, and
6 other services with public agencies and with private
7 persons, and make such payments as may be nec-
8 essary to carry out the duties of the Special Inspec-
9 tor General.

10 (4) REQUESTS FOR INFORMATION.—

11 (A) IN GENERAL.—Upon request of the
12 Special Inspector General for information or as-
13 sistance from any entity of the Federal Govern-
14 ment, the head of such entity shall, insofar as
15 is practicable and not in contravention of any
16 existing law, furnish such information or assist-
17 ance to the Special Inspector General, or an au-
18 thorized designee.

19 (B) REPORT OF NONCOMPLIANCE.—When-
20 ever information or assistance requested by the
21 Special Inspector General is, in the judgment of
22 the Special Inspector General, unreasonably re-
23 fused or not provided, the Special Inspector
24 General shall report the circumstances to the

1 appropriate committees of Congress without
2 delay.

3 (5) REEMPLOYMENT OF ANNUITANTS.—

4 (A) IN GENERAL.—Except as provided
5 under subparagraph (B), if an annuitant receiv-
6 ing an annuity from the Civil Service Retire-
7 ment and Disability Fund becomes employed in
8 a position within the Office of the Special In-
9 spector General for Law Enforcement, that an-
10 nuity shall continue. An annuitant so reem-
11 ployed shall not be considered an employee for
12 purposes of chapter 83 or 84 of title 5, United
13 States Code.

14 (B) EXCEPTION.—Subparagraph (A) shall
15 apply to not more than 25 employees at any
16 time as designated by the Special Inspector
17 General.

18 (f) CORRECTIVE RESPONSES TO AUDIT PROB-
19 LEMS.—Not later than 30 days after the date on which
20 a report, finding, or recommendation is published by the
21 Special Inspector General relating to a Federal law en-
22 forcement agency, the head of that agency shall—

23 (1) take action to address each deficiency or
24 recommendation identified by a report or investiga-
25 tion of the Special Inspector General; or

1 (2) certify to appropriate committees of Con-
2 gress that no action is necessary or appropriate.

3 (g) COOPERATION AND COORDINATION WITH OTHER
4 ENTITIES.—In carrying out the duties, responsibilities,
5 and authorities of the Special Inspector General under this
6 section, the Special Inspector General shall work with In-
7 spectors General of any other entity as appropriate, with
8 a view toward avoiding duplication of effort and ensuring
9 comprehensive oversight of Federal law enforcement agen-
10 cies and officers through effective cooperation and coordi-
11 nation.

12 (h) MEMBER OF THE COUNCIL OF THE INSPECTORS
13 GENERAL ON INTEGRITY AND EFFICIENCY.—Section
14 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C.
15 App.) is amended by inserting at the end the following
16 new subparagraph:

17 “(J) The Special Inspector General for
18 Law Enforcement.”.

19 (i) REPORTS.—

20 (1) INITIAL REPORT.—Not later than 60 days
21 after the confirmation of the Special Inspector Gen-
22 eral, and not later than 30 days following the end
23 of each fiscal quarter, the Special Inspector General
24 shall submit to the appropriate committees of Con-

1 gress a report summarizing the activities of the Spe-
2 cial Inspector General during that fiscal quarter.

3 (2) ANNUAL REPORT.—The Special Inspector
4 General shall submit an annual report to the appro-
5 priate committees of Congress that includes the total
6 number of use of deadly force cases, use of excessive
7 force complaints, and findings of misconduct involv-
8 ing Federal law enforcement officers.

9 (3) RULE OF CONSTRUCTION.—Nothing in this
10 subsection shall be construed to authorize the public
11 disclosure of information that is—

12 (A) specifically prohibited from disclosure
13 by any other provision of law;

14 (B) specifically required by Executive order
15 to be protected from disclosure in the interest
16 of national defense or national security or in
17 the conduct of foreign affairs; or

18 (C) a part of an ongoing criminal inves-
19 tigation.

20 (4) PUBLIC AVAILABILITY.—Except as provided
21 under paragraph (3), all reports submitted under
22 this subsection shall be available to the public.

23 **SEC. 3. GRANTS.**

24 (a) ENABLE REFERRALS TO THE SPECIAL INSPEC-
25 TOR GENERAL REQUIREMENT.—For each fiscal year after

1 the expiration of the period specified in subsection (b) in
2 which a State or unit of local government receives a grant
3 under part E of title I of the Omnibus Crime Control and
4 Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.), the
5 State or unit of local government shall have in effect a
6 law establishing a process by which use of deadly force
7 cases can be referred to the Special Inspector General for
8 investigation.

9 (b) COMPLIANCE AND INELIGIBILITY.—

10 (1) COMPLIANCE DATE.—Beginning on the first
11 full fiscal year after the date of enactment of this
12 Act, each State or unit of local government referred
13 to in subsection (a) receiving a grant shall comply
14 with subsection (a), except that the Attorney Gen-
15 eral may grant an additional 180 days to a State or
16 unit of local government that is making good faith
17 efforts to comply with such subsection.

18 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
19 year after the expiration of the period specified in
20 paragraph (1), a State or unit of local government
21 that fails to comply with subsection (a), shall be in-
22 eligible to receive any funds that would otherwise be
23 allocated for that fiscal year to the State or unit of
24 local government under subpart 1 of part E of title
25 I of the Omnibus Crime Control and Safe Streets

1 Act of 1968 (34 U.S.C. 10151 et seq.), whether
2 characterized as the Edward Byrne Memorial State
3 and Local Law Enforcement Assistance Programs,
4 the Local Government Law Enforcement Block
5 Grants Program, the Edward Byrne Memorial Jus-
6 tice Assistance Grant Program, or otherwise.

7 (c) REALLOCATION.—Amounts not allocated under a
8 program referred to in subsection (b)(2) to a State or unit
9 of local government for failure to fully comply with sub-
10 section (a) shall be reallocated under that program to
11 States or units of local government that have not failed
12 to comply with such subsection.

13 (d) COPS.—For each fiscal year after the expiration
14 of the period specified in subsection (b) in which a State
15 or unit of local government receives a grant under part
16 Q of title I of the Omnibus Crime Control and Safe Streets
17 Act of 1968 (34 U.S.C. 10151 et seq.), the State or unit
18 of local government shall have in effect a law establishing
19 a process by which use of deadly force cases can be re-
20 ferred to the Special Inspector General for investigation.

21 (e) DEFINITIONS.—Terms used in this section have
22 the meanings given such terms in section 901 of title I
23 of the Omnibus Crime Control and Safe Streets Act of
24 1968 (34 U.S.C. 10251).

1 **SEC. 4. WHISTLEBLOWER.**

2 (a) **RIGHT TO DISCLOSURE.**—An individual may
3 make a protected disclosure to the Special Inspector Gen-
4 eral.

5 (b) **PROHIBITION AGAINST DISCRIMINATION.**—A
6 Federal, State, or local law enforcement agency, or any
7 prosecutor, officer, employee, or contractor of any such
8 agency may not recommend, discharge, demote, suspend,
9 threaten, harass, or take or fail to take any other action
10 that discriminates against any individual, including an
11 employee, former employee, or applicant seeking employ-
12 ment because the employee, former employee, or applicant
13 seeking employment because that individual—

14 (1) without violating a specific statutory prohi-
15 bition, is perceived as making or about to make, or
16 perceived as assisting or about to assist in making
17 what the individual reasonably believes is a protected
18 disclosure to the Special Inspector General; or

19 (2) refuses to obey an order that the individual
20 believes would require the individual to violate this
21 Act.

22 (c) **APPEAL.**—

23 (1) **LAW ENFORCEMENT EMPLOYEES.**—

24 (A) **ADMINISTRATIVE REMEDY.**—Any indi-
25 vidual who is a Federal, State, or local law en-
26 forcement applicant, employee, or former em-

1 ployee who believes that the individual has been
2 subjected to discrimination prohibited under
3 subsection (b) may, within 3 years after learn-
4 ing of the alleged discrimination, submit a com-
5 plaint that alleges the discrimination to the
6 Special Inspector General who shall investigate
7 and submit to the relevant Federal, State, or
8 local agency head and to the Attorney General
9 findings and recommendations for any correc-
10 tive action.

11 (B) JUDICIAL REMEDY.—In the event that
12 corrective action is not taken under subpara-
13 graph (A) within 210 days after the date on
14 which the complaint was filed, any individual
15 who is a Federal, State, or local law enforce-
16 ment applicant, employee, or former employee
17 who believes that the individual has been sub-
18 jected to discrimination prohibited under sub-
19 section (b), who filed the complaint shall be
20 deemed to have exhausted all administrative
21 remedies with respect to the complaint, and
22 may bring a de novo action at law or equity to
23 seek compensatory damages and other relief
24 available under this section in the appropriate
25 district court of the United States, which shall

1 have jurisdiction over such an action without
2 regard to the amount in controversy. Such an
3 action shall, at the request of either party to
4 the action, be tried by the court with a jury. An
5 action under this subparagraph may not be
6 brought more than two years after the date on
7 which remedies are deemed to have been ex-
8 hausted.

9 (C) GENERAL PROVISIONS.—

10 (i) RIGHTS RETAINED BY EM-
11 PLOYEE.—Nothing in this section shall di-
12 minish the rights, privileges, or remedies of
13 any applicant, employee, former employee,
14 or individual seeking employment under
15 any Federal or State law.

16 (ii) LIABILITY.—Notwithstanding any
17 other provision of law, an individual shall
18 be immune from civil and criminal liability
19 with respect to a disclosure by the indi-
20 vidual if the individual would be protected
21 from discrimination under subsection (b)
22 for making the protected disclosure. The
23 individual shall bear the burden of proving
24 that the individual would be protected from

1 discrimination under subsection (b) for
2 making the disclosure.

3 (iii) CONFIDENTIALITY.—

4 (I) IN GENERAL.—Except as re-
5 quired by law, when an applicant, em-
6 ployee, or former employee makes a
7 protected disclosure to a person or
8 body with authority to receive and ad-
9 dress the information, any individual
10 or entity to which the person or body
11 provides the information, may not dis-
12 close the identity or identifying infor-
13 mation of the individual providing the
14 information without explicit written
15 consent of the applicant, employee, or
16 former employee.

17 (II) NOTICE.—If disclosure of
18 the identity or identifying information
19 of an individual providing a protected
20 disclosure is required by law, the re-
21 cipient of the information shall pro-
22 vide timely notice to the individual.

23 (iv) NONENFORCEABILITY OF WAIVER
24 OF RIGHTS AND REMEDIES.—The rights
25 and remedies provided for in this para-

1 graph may not be waived by any public or
2 private agreement, policy, form, or condi-
3 tion of employment, including by pre-dis-
4 pute arbitration agreement.

5 (2) NON-LAW ENFORCEMENT EMPLOYEE.—

6 (A) JUDICIAL REMEDY.—Any individual
7 who makes a protected disclosure to the Special
8 Inspector General and believes that individual
9 has suffered discrimination in violation of this
10 section may file a complaint for relief pursuant
11 to the procedures, burdens of proof, and rem-
12 edies in paragraph (1)(B). The court may
13 award punitive damages.

14 (B) GENERAL PROVISIONS.—

15 (i) LIABILITY.—Notwithstanding any
16 other provision of law, an individual shall
17 be immune from civil and criminal liability
18 with respect to a disclosure by the indi-
19 vidual if the individual would be protected
20 from discrimination or retaliation under
21 subsection (b) for making the protected
22 disclosure. The individual shall bear the
23 burden of proving that the individual
24 would be protected from discrimination or

1 retaliation under subsection (b) for making
2 the disclosure.

3 (ii) CONFIDENTIALITY.—

4 (I) IN GENERAL.—Except as re-
5 quired by law, when an applicant, em-
6 ployee, or former employee makes a
7 protected disclosure to a person or
8 body with authority to receive and ad-
9 dress the information, any individual
10 or entity to which the person or body
11 provides the information, may not dis-
12 close the identity or identifying infor-
13 mation of the individual providing the
14 information without explicit written
15 consent of the individual.

16 (II) NOTICE.—If disclosure of
17 the identity or identifying information
18 of an individual providing a protected
19 disclosure is required by law, the re-
20 cipient shall provide timely notice to
21 the individual.

22 (iii) NONENFORCEABILITY OF WAIVER
23 OF RIGHTS AND REMEDIES.—The rights
24 and remedies provided for in this para-
25 graph may not be waived by any public or

1 private agreement, policy, form, or condi-
2 tion of employment, including by pre-dis-
3 pute arbitration agreement.

4 (3) BURDEN OF PROOF.—The Special Inspector
5 General and any other authority enforcing this Act
6 shall apply the legal burdens of proof specified in
7 section 1221(e)(1) of title 5, United States Code, in
8 determining whether discrimination or retaliation
9 prohibited under subsection (b) has occurred in ac-
10 cordance with the rules and procedures under para-
11 graph (1).

12 (d) REQUIREMENT TO POST NOTICE OF RIGHTS AND
13 REMEDIES.—Any employer subject to the authority of this
14 Act shall post notice of the rights and remedies provided
15 under this section in all offices in a common place easily
16 visible to all employees. Any law enforcement organization
17 subject to this Act shall prominently provide notice to the
18 public of rights available to citizens under this Act.

19 (e) RULES OF CONSTRUCTION.—

20 (1) NO IMPLIED AUTHORITY TO RETALIATE
21 FOR NON-PROTECTED DISCLOSURES.—Nothing in
22 this section may be construed to authorize the dis-
23 charge of, demotion of, discrimination, or other re-
24 prisal against an employee, a former employee, or an
25 individual seeking employment for a disclosure other

1 than a protected disclosure or to modify or derogate
2 from a right or remedy otherwise available to an em-
3 ployee, former employee, or individual seeking em-
4 ployment.

5 (2) RELATIONSHIP TO STATE LAWS.—Nothing
6 in this section may be construed to preempt, pre-
7 clude, or limit the protections provided for public or
8 private employees under State whistleblower laws.

9 (3) WAIVER OF SOVEREIGN IMMUNITY.—A
10 Federal, State, or other governmental entity shall
11 not be immune under the 11th Amendment to the
12 Constitution from an action in a Federal or State
13 court of competent jurisdiction for a violation of this
14 Act. In any action for a violation of this Act, rem-
15 edies are available for such a violation to the same
16 extent as such remedies are available for such a vio-
17 lation in an action against any defendant.

18 (f) ANNUAL REPORT.—Not later than 1 year after
19 the date of the enactment of this Act, and every year
20 thereafter, the Special Inspector General shall submit to
21 Congress a report that includes the following;

22 (1) A list of any investigation of alleged dis-
23 crimination or retaliation described under subsection
24 (b) the Special Inspector General conducted.

1 (2) The results of each investigation described
2 under paragraph (1), including the number of cases
3 dismissed on procedural grounds, the win-loss record
4 for decisions on the merits, and accountability meas-
5 ures advised and taken against individuals or em-
6 ployers.

7 (3) The range for the length of time to com-
8 plete investigations under subsection (c).

9 (4) The number of discrimination or retaliation
10 complaints filed under subsection (c) that result in
11 a settlement agreement.

12 (5) Details of any remedy or relief that results
13 from a complaint filed under subsection (c).

14 (6) Recommendations for any legislative or ad-
15 ministrative improvements.

16 **SEC. 5. DEFINITIONS.**

17 In this Act:

18 (1) **DEADLY FORCE.**—The term “deadly force”
19 means that force which a reasonable person would
20 consider likely to cause death or serious bodily harm,
21 including—

22 (A) the discharge of a firearm;

23 (B) a maneuver that restricts blood or oxy-
24 gen flow to the brain, including chokeholds,

1 strangleholds, neck restraints, neckholds, and
2 carotid artery restraints; and

3 (C) multiple discharges of an electronic
4 control weapon.

5 (2) FEDERAL LAW ENFORCEMENT AGENCY.—

6 The term “Federal law enforcement agency” means
7 any agency authorized to engage in or supervise the
8 prevention, detection, investigation, or prosecution of
9 any violation of Federal criminal law.

10 (3) FEDERAL LAW ENFORCEMENT OFFICER.—

11 The term “Federal law enforcement officer” has the
12 meaning given that term in section 115(c) of title
13 18, United States Code.

14 (4) PROTECTED DISCLOSURE.—The term “pro-
15 tected disclosure” means any disclosure of informa-
16 tion by an applicant, employee, or former employee
17 that the applicant, employee, or former employee
18 reasonably believes is related to the duties of the
19 Special Inspector General described in section 2(c).

20 (5) RACIAL PROFILING.—

21 (A) IN GENERAL.—The term “racial
22 profiling” means the practice of a law enforce-
23 ment agent or agency relying, to any degree, on
24 actual or perceived race, ethnicity, national ori-
25 gin, religion, gender, gender identity, or sexual

1 orientation in selecting which individual to sub-
2 ject to routine or spontaneous investigatory ac-
3 tivities or in deciding upon the scope and sub-
4 stance of law enforcement activity following the
5 initial investigatory procedure, except when
6 there is trustworthy information, relevant to the
7 locality and timeframe, that links a person with
8 a particular characteristic described in this
9 paragraph to an identified criminal incident or
10 scheme.

11 (B) EXCEPTION.—For purposes of sub-
12 paragraph (A), a Tribal law enforcement officer
13 exercising law enforcement authority within In-
14 dian country, as that term is defined in section
15 1151 of title 18, United States Code, is not
16 considered to be racial profiling with respect to
17 making key jurisdictional determinations that
18 are necessarily tied to reliance on actual or per-
19 ceived race, ethnicity, or Tribal affiliation.

20 (6) SPECIAL INSPECTOR GENERAL.—The term
21 “Special Inspector General” means the Special In-
22 spector General for Law Enforcement appointed
23 pursuant to section 2(b)(1).

24 (7) USE OF FORCE.—The term “use of force”
25 includes—

1 (A) the use of a firearm, electronic control
2 weapon, explosive device, chemical agent (such
3 as pepper spray), baton, impact projectile, blunt
4 instrument, hand, fist, foot, canine, or vehicle
5 against an individual;

6 (B) the use of a weapon, including a per-
7 sonal body weapon, chemical agent, impact
8 weapon, extended range impact weapon, sonic
9 weapon, sensory weapon, conducted energy de-
10 vice, or firearm, against an individual; or

11 (C) any intentional pointing of a firearm
12 at an individual.